

which either remains the same as recited in Claim 5 or varies as recited in Claim 6 during the different anodizing steps.

In the Office Action, Claims 1-4 and 7-16 were rejected under 35 U.S.C. §103(a) for being unpatentable over *Matsushita et al.*, U.S. 5,811,348. In addition, Claims 1-16 were rejected under the judicially created doctrine of obviousness type double patenting for being unpatentable over Claims 1-10 of U.S. 5,811,348 to *Matsushita et al.*

Reconsideration and withdrawal of the rejections are respectfully requested.

In Applicant's Specification at page 11, lines 22 and following it is stated:

"In the surface of the semiconductor substrate, two or more porous layers having different porosities are formed. The first porous layer of the outermost surface is preferably formed as a dense porous layer which has a relatively small porosity to provide improved growth of an epitaxial semiconductor film on this porous layer. By forming a second porous layer having a relatively high porosity spaced inwardly, adjacent to the surface of the substrate and the first porous layer, the mechanical strength falls due to the high porosity of the second layer itself, or expressed differently, the bond between the first and second porous layers becomes fragile due to the strain caused by the difference of the lattice constants of each of these layers. Due to this, the peeling of the epitaxial semiconductor film, that is, separation, can be easily carried out via the high porosity layer. For example, it becomes also possible to form

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a porous layer which is so weak that it can be separated by ultrasonic irradiation and excitation of the substrate."

In accordance with the present invention defined by Applicant's Claims 1-16, a structure including multiple porous layers each having different porosities is first provided. The first porous layer has a lower porosity and an epitaxial semiconductor film having good crystallinity may be formed thereon. The second porous layers and optionally third porous layers having a different porosity are specifically provided to facilitate separation from the substrate.

The new and improved methods for making thin film semiconductors defined by Applicant's Claims 1-16 are not obvious and do not claim the same invention as described and claimed in U.S. 5,811,348. The '348 patent is the parent of this Continuation-In-Part Application. That application describes making a single porous layer and separating either within that first porous layer or at the boundary between that porous layer and the substrate to provide a separated semiconductor layer. There is no teaching or suggestion in this patent to make multiple layers having different porosities to provide a structured surface carefully designed to provide improved separation performance characteristics. Applicant's claims do not recite a method that is a mere repetition of the method elements described in the '348 patent, but instead sets forth the steps of preparing multiple porous layers each having different porosities from the other. Improved crystal growth on the first porous layer and improved separation in the second and third layers are provided by Applicant's claimed method

and structure. These features are not described or suggested by the '348 patent and Applicants emphatically disagree that the claims define a method which is a mere repetition of elements.

An early indication re the allowability of all Claims 1-16 presented herewith is respectfully requested.

Respectfully submitted,



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